

AMENDED IN SENATE APRIL 21, 2009

SENATE BILL

No. 635

Introduced by Senator Wiggins

February 27, 2009

An act to add and repeal Section 26840.12 of the Government Code, to add and repeal Section 103628.2 of the Health and Safety Code, and to add and repeal Section 18309.6 of the Welfare and Institutions Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

SB 635, as amended, Wiggins. Marriage licenses: vital records: fees: domestic violence.

Existing law requires the collection of fees for issuing marriage licenses and for providing certified copies of vital records, including marriage certificates, birth certificates, fetal death records, and death records. Existing law provides for the establishment of county domestic violence program special funds for the purpose of funding local domestic violence programs. Certain fees payable at the time a marriage license or a certified copy of any of the above vital records is issued may be collected by the county clerks for deposit into these funds.

Existing law authorizes the Alameda County Board of Supervisors and the Solano County Board of Supervisors, until January 1, 2010, upon making certain findings and declarations, to authorize an increase in the fees for marriage licenses and confidential marriage licenses, up to a maximum increase of \$2. Existing law authorizes those boards of supervisors, and the City Council of the City of Berkeley, upon making certain findings and declarations, to authorize an increase in the fees for certified copies of certain vital records, up to a maximum increase of \$2. Existing law authorizes those governmental entities to make

further increases in those fees each year, as specified. Existing law requires these fees to be allocated for purposes relating to domestic violence prevention, intervention, and prosecution.

This bill, until January 1, 2015, would provide the same authorization to increase fees for ~~marriage licenses and confidential marriage licenses~~ *certain vital records* to the Sonoma County Board of Supervisors.

The bill would require the Sonoma County Board of Supervisors to submit to the Assembly and Senate Committees on Judiciary preliminary reports by July 1, ~~2010~~ 2013, and final reports by July 1, ~~2015~~ 2014, regarding the above fee increase, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 26840.12 is added to the Government
2 Code, to read:

3 26840.12. (a) The Sonoma County Board of Supervisors, upon
4 making findings and declarations on the need for governmental
5 oversight and coordination of the multiple agencies dealing with
6 domestic violence, may authorize an increase in the fees for
7 marriage licenses and confidential marriage licenses, up to a
8 maximum increase of two dollars (\$2).

9 (b) Effective July 1 of each year, the Sonoma County Board of
10 Supervisors may authorize an increase in these fees by an amount
11 equal to the increase in the Consumer Price Index for the San
12 Francisco metropolitan area for the preceding calendar year,
13 rounded to the nearest one-half dollar (\$0.50). The fees shall be
14 allocated pursuant to Section 18309.6 of the Welfare and
15 Institutions Code.

16 (c) In addition to the fee prescribed by Section 26840.1, in
17 Sonoma County, the person issuing authorization for the
18 performance of a marriage or confidential marriage, or the county
19 clerk upon providing a blank authorization form pursuant to Part
20 4 (commencing with Section 500) of Division 3 of the Family
21 Code, shall collect the fees specified in subdivisions (a) and (b),
22 at the time of providing the authorization.

23 (d) The Sonoma County Board of Supervisors shall submit to
24 the Assembly and Senate Committees on Judiciary a preliminary
25 report no later than July 1, ~~2010~~ 2013, and a final report no later

1 than July 1, ~~2015~~ 2014. Both reports shall contain the following
2 information:

3 (1) The annual amounts of funds received and expended from
4 fee increases for the purpose of governmental oversight and
5 coordination of domestic violence prevention, intervention, and
6 prosecution efforts in the county.

7 (2) Outcomes achieved as a result of the activities associated
8 with the implementation of this section.

9 (e) This section shall remain in effect only until January 1, 2015,
10 and as of that date is repealed, unless a later enacted statute, that
11 is enacted before January 1, 2015, deletes or extends that date.

12 SEC. 2. Section 103628.2 is added to the Health and Safety
13 Code, to read:

14 103628.2. (a) The Sonoma County Board of Supervisors, upon
15 making findings and declarations on the need for governmental
16 oversight and coordination of the multiple agencies dealing with
17 domestic violence, may authorize an increase in the fees for
18 certified copies of marriage certificates, birth certificates, fetal
19 death records, and death records, up to a maximum increase of
20 two dollars (\$2).

21 (b) Effective July 1 of each year, the Sonoma County Board of
22 Supervisors may authorize an increase in these fees by an amount
23 equal to the increase in the Consumer Price Index for the San
24 Francisco metropolitan area for the preceding calendar year,
25 rounded to the nearest one-half dollar (\$0.50). The fees shall be
26 allocated pursuant to Section 18309.6 of the Welfare and
27 Institutions Code.

28 (c) In addition to the fees prescribed by subdivisions (a) and
29 (b), any applicant for a certified copy of a birth certificate, a fetal
30 death record, or death record in Sonoma County shall pay an
31 additional fee to the local registrar, county recorder, or county
32 clerk as established by the Sonoma County Board of Supervisors.

33 (d) This section shall remain in effect only until January 1, 2015,
34 and as of that date is repealed, unless a later enacted statute, that
35 is enacted before January 1, 2015, deletes or extends that date.

36 SEC. 3. Section 18309.6 is added to the Welfare and
37 Institutions Code, to read:

38 18309.6. (a) The Sonoma County Board of Supervisors shall
39 direct the local registrar, county recorder, and county clerk to
40 deposit fees collected pursuant to Section 26840.12 of the

1 Government Code and Section 103628.2 of the Health and Safety
2 Code into a special fund.

3 The county may retain up to 4 percent of the fund for
4 administrative costs associated with the collection and segregation
5 of the additional fees and the deposit of these fees into the special
6 fund. Proceeds from the fund shall be used for governmental
7 oversight and coordination of domestic violence and family
8 violence prevention, intervention, and prosecution efforts among
9 the court system, the district attorney's office, the public defender's
10 office, law enforcement, the probation department, mental health,
11 substance abuse, child welfare services, adult protective services,
12 and community-based organizations and other agencies working
13 in Sonoma County in order to increase the effectiveness of
14 prevention, early intervention, and prosecution of domestic and
15 family violence.

16 (b) This section shall remain in effect only until January 1, 2015,
17 and as of that date is repealed, unless a later enacted statute, that
18 is enacted before January 1, 2015, deletes or extends that date.

19 SEC. 4. Due to unique circumstances of Sonoma County with
20 respect to domestic violence, the Legislature hereby finds and
21 declares that a general statute cannot be made applicable within
22 the meaning of Section 16 of Article IV of the California
23 Constitution. Therefore, the special legislation contained in this
24 bill is necessarily applicable only to Sonoma County.